

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

DAVID B. TRACEY, DANIEL GUNTHER,
MARIA T. NICHOLSON, CORRINNE R.
FOGG, and VAHIK MINAIYAN, individually
and as representatives of a class of participants
and beneficiaries on behalf of the MIT
Supplemental 401(k) Plan,

Plaintiffs,

v.

MASSACHUSETTS INSTITUTE OF
TECHNOLOGY, THE MIT
SUPPLEMENTAL 401(K) PLAN
OVERSIGHT COMMITTEE, THE
ADMINISTRATIVE COMMITTEE, ISRAEL
RUIZ, MARC BERNSTEIN, GLENN DAVID
ELLISON, S.P. KOTHARI, GUNTHER
ROLAND, LORRAINE A. GOFFE-RUSH,
GLEN SHOR, PAMELA WELDON,
THOMAS M. WIEAND, and BARTON
ZWIEBACH,

Defendants.

Civil Action No. 16-11620-NMG

NOTICE OF WITHDRAWAL OF MOTION TO DISMISS

Defendants Marc Bernstein, Glenn David Ellison, Lorraine Goffe-Rush, S.P. Kothari, Massachusetts Institute of Technology, Gunther Roland, Israel Ruiz, Glen Shor, The Administrative Committee, The MIT Supplemental 401(k) Plan Oversight Committee, Pamela Weldon, Thomas Wieand, and Barton Zwiebach (collectively “Defendants”) hereby withdraw their Motion to Dismiss Plaintiffs’ Class Action Complaint filed on October 5, 2016 (“Motion to Dismiss”) (Dkt. No. 22).

On October 18, 2016 Judge Gorton granted Plaintiffs' Assented-to Motion for Extension of Time to Respond to Defendants' Motion to Dismiss or to Amend the Complaint (Dkt. No. 27). Accordingly, Plaintiffs had until November 16, 2016 to respond to the Motion to Dismiss or to file an amended complaint and Defendants have until December 16, 2016 to file their reply brief or respond to the amended complaint. Since Plaintiffs filed the Amended Complaint on November 16, 2016, per the Court's Order dated October 18 2016, Defendants will file a renewed motion to dismiss on December 16, 2016.

Dated: November 18, 2016

Respectfully submitted,

/s/ Alison V. Douglass

Alison V. Douglass (BBO# 646861)
GOODWIN PROCTER LLP
100 Northern Avenue
Boston, Massachusetts 02210
Tel.: (617) 570-1000
Fax: (617) 523-1231
adouglass@goodwinlaw.com

Brian D. Boyle (*pro hac vice*)
Shannon M. Barrett (*pro hac vice*)
Meaghan VerGow (*pro hac vice*)
O'Melveney & Myers LLP
1625 Eye Street, NW
Washington, DC 20006
Tel.: (202)383-5300
Fax: (202) 283-5414)
bboyle@omm.com
sbarrett@omm.com
mvergow@omm.com

Stuart M. Sarnoff (*pro hac vice*)
O'Melveny & Myers LLP
Times Square Tower
7 Times Square
New York, NY 10036
Tel.: (212) 326-2293
ssarnoff@omm.com

Counsel for Defendants

CERTIFICATE OF SERVICE

I, Alison V. Douglass , hereby certify that this document filed through the ECF system will be sent electronically to the registered participants as identified on the Notices of Electronic Filing (NEF) and paper copies will be sent to those indicated as non-registered participants on November 18, 2016.

/s/ Alison V. Douglass _____